UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,174	02/28/2002	Frances Jiang	29250-000571/US	4800

30594 7590 03/07/2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/084,174	JIANG ET AL.	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-17 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-17 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Response to Amendment filed 1/8/2007

1. Claims 1-10, 12-17, 19-22 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 1/8/2007 have been fully considered but they are not persuasive. Applicant argued that:

3. (1) Immonen teaches sending a "connection request" but there is no disclosure, teaching or suggestion of a token being sent in addition to the connection request. A token is used to designate exclusive permission to communicate with the network. Rasanen teaches transmitting a call setup message containing a bearer capability information element. However, this information bears no resemblance to a token.

4. In response, it is noted that the features upon which applicant relies (i.e., A token is used to designate exclusive permission to communicate with the network.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims are given the broadest reasonable interpretation of a token, and the American Heritage College Dictionary Fourth Edition defines token as 1. Something serving as an indication, proof, or expression of something else; sign. 2. Something that signifies or evidences authority, validity, or identity. Immonen teaches of a connection request that indicates or does not indicate specific QoS attributes (Paragraphs 0046; 0052-0053). Therefore, the claimed token is considered as information that indicates the QoS attributes, or the lack thereof, in the connection request. Similarly, Rasanen teaches of a set up message, i.e. request, comprising an element that indicates services and protocol, wherein a bit (0

or 1) is used for indication of a parameter (Paragraph 0053). The claimed token is considered as the indications of services and protocols, such as the element.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 4, 7, 12, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen et al, US Publication #2002/0132611 (Immonen hereinafter), in view of Rasanen, US Publication #2005/0286418 (Rasanen hereinafter)

7. As per claims 1 and 19, Immonen teaches substantially the invention as claimed including a method for configuring negotiation in a data communication system, Immonen's teachings comprising:

receiving, at an access network, an access request and a token from an access terminal, the token associating with a parameter group type indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type (Paragraph 0048. Receive connection request. Paragraphs 0047; 0052-0053; 0080-0081. Request indicates if a specific QoS profile, i.e. attributes, is requested or not. Claim 7. Values of attributes are not indicated);

sending information to and receiving information from the access terminal according to the default parameter group without negotiating parameters for the associated parameter group type when a portion of the access network communicating with the access terminal operates according to the default parameter group for the associated parameter group type and the request indicates the access terminal operates according to the default parameter group for the associated parameter group type (Paragraph

0053. If connection request does not indicate a specific QoS attributes, default profile is used for the requested connection.).

8. Immonen does not specifically teach of using a token including a plurality of bits, each bit associated with a different parameter group type for indicating whether the access terminal is operating according to a default parameter group.

Rasanen teaches a similar system comprising of transmitting a message comprising an element that indicates services and protocol, wherein a bit (0 or 1) is used for indication of a parameter (Paragraph 0053).

9. Since Immonen teaches that the request may indicate whether the access terminal operates according to a default parameter for at least one service attribute (Claim 7), and the quality of service control comprises a plurality of service attributes (Paragraph 0046), it would have been obvious to one of ordinary skill in the art that the connection request may indicate whether the access terminal operates according to a default parameter for the plurality of service attributes. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen and Rasanen to use a bit for indication of a parameter, which would enhance the system of Immonen by providing an explicit indicator of parameters and transmitting a small unit of data to indicate the access terminal's parameters.

10. As per claim 12, Immonen teaches substantially the invention as claimed including a method for configuration negotiation in a data communication system, Immonen's teachings comprising:

receiving, at an access network, an access request and a token from an access terminal, indicating whether the access terminal is operating according to a default parameter group for the associated

parameter group type (Paragraph 0048. Receive connection request. Paragraph 0047; 0052-0053; 0080-0081. Request indicates if a specific QoS profile and attributes are requested or not, and type of class.);

first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group type to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0047. Subscriber specific profile is stored for each subscriber. Paragraph 0057-0058. Use specific QoS profile requested by the user.); and

sending information to and receiving information from the access terminal according to the accessed parameter group of the associated parameter group type for the access terminal without negotiating a parameter group of the associated parameter group type when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the associated parameter group type (Paragraph 0057-0058. Use specific QoS profile for connection.), wherein the token includes different parameter group types (Paragraph 0057; Claim 2. Request indicates values of attributes.).

11. Immonen does not specifically teach of using a token including a plurality of bits, each bit associated with a different parameter group type for indicating whether the access terminal is operating according to a default parameter group.

Rasanen teaches a similar system comprising of transmitting a message comprising an element that indicates services and protocol, wherein a bit (0 or 1) is used for indication of a parameter (Paragraph 0053).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen and Rasanen to use a bit for indication of a parameter because Rasanen's teachings would provide an explicit indicator of parameters and transmitting a small unit of data to indicate the access terminal's parameters.

13. As per claim 2, Immonen teaches the method of claim 1, wherein a parameter group type is a type of protocol, and a parameter group in the parameter group type is a specific protocol in the parameter group type (Paragraphs 0057; 0064. Request indicates class, wherein classes comprise VoIP, video streaming. Claim 2; Paragraphs 0046-0047; 0058. Class is associated with attributes comprising SDU size, BER, bitrate with specific values.).

14. As per claim 4, Immonen and Rasanen taught the method of claim 1. Immonen further teaches the method of claim 1, further comprising:

first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0048; 0056-0057. Obtain subscriber specific service profile.); and

sending information to and receiving information from the access terminal according to the accessed parameter group of the associated parameter group type for the access terminal without negotiating a parameter group of the associated parameter group type when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the associated parameter group type (Paragraph 0057-0058. Subscribed attributes are used to activate connection.).

15. As per claims 7 and 15, Immonen and Rasanen taught of the bit indicating the access terminal is not operating according to a default parameter group. Immonen further teaches the method of claim 4, further comprising: second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to

access a stored parameter group of the associated parameter group type for the access terminal and the bit indicates the access terminal is not operating according to a default parameter group (Paragraph 0048. Access subscriber specific profile from the HLR if not at the SGNS).

16. Claims 3, 5-6, 8-10, 13, 14, 16, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen and Rasanen, in view of Bender et al, US Patent #6,539,030 (Bender hereinafter).

17. As per claims 3 and 13, Immonen teaches the method of claim 1, further comprising: sending information to and receiving information from the access terminal after determining a parameter group for the associated parameter group type (Paragraph 0057-0058. Activate connection.) when (i) the portion of the access network communicating with the access terminal operates according to a parameter group other than the default parameter group for the associated parameter group type and the bit indicates the access terminal operates according to the default parameter group for the associated parameter group type, or (ii) the portion of the access network communicating with the access terminal operates according to the default parameter group for the associated parameter group type and the bit indicates the access terminal operates according to a parameter group other than the default parameter group for the parameter group type (Paragraphs 0056-0058. User equipment's request indicates specific values.). Immonen further teaches of an access terminal requesting a stored profile and specific parameters (Paragraph 0053; 0057); and the access network determining parameters when the access terminal operates other than the default parameters (Paragraph 0058). However, Immonen does not specifically teach of negotiating a parameter group.

Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters between the access terminal and the access network, which would allow the access terminal to set and accept values for protocols for communication (Col. 15, lines 1-8).

19. As per claim 5, the Immonen teaches the method comprising sending information to and receiving information from the access terminal after the access network determines a parameter group of the associated parameter group type when the portion of the access network does not operate according to the stored parameter group (Paragraph 0053; 0057-0058). However, Immonen does not specifically teach of negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal.

Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters between the access terminal and the access network, which would allow the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

21. As per claims 6 and 14, Immonen teaches of accessing stored parameter group, i.e. service attributes. However, Immonen does not teach the method of claim 4, further comprising: sending information to and receiving information from with the access terminal after negotiating a parameter

group of the associated parameter group type when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

22. Even though Immonen does not specifically teach of failing to access a stored parameter group, it would have been obvious to one of ordinary skill in the art that the access terminal would not be able to obtain a stored parameter group, i.e. fail to access a stored parameter, if the access terminal does not have a initially stored parameter group. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters between the access terminal and the access network, which would allow the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

23. As per claim 8 and 16, Immonen teaches of accessing a SGSN and HLR for the subscriber specific service profile. However, Immonen does not specifically teach the method of claim 7, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the first and second accessing steps fail to access a stored parameter group of the associated parameter group type for the access terminal.

Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

24. Even though Immonen does not explicitly teach of failing to access a stored parameter group, it would have been obvious to one of ordinary skill in the art that the access terminal would not be able to obtain a stored parameter group if the access terminal does not initially have a stored parameter group. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

the teachings of Immonen, Rasanen, and Bender to negotiate parameters between the access terminal and the access network, which would allow the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

25. As per claims 9, 10 and 17, Immonen does not specifically teach the method, further comprising: sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network, wherein current parameter group of each parameter group type is sent to the access terminal (Col 11, lines 40-49; Col 14, lines 29-36, 48-64; Col 14, line 65 – Col 15, line 8).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters between an access terminal and an access network, wherein current parameter group of each parameter group type is sent to the access terminal. Bender's teachings would allow the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

27. As per claim 20, Immonen does not specifically teach the method of claim 8, further comprising: sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

Bender teaches of negotiating parameters and sending a response indicating acceptable subtype of a type (Col. 14, lines 47-61).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters and sending a

response indicating acceptable subtype of a type, which would allow the access terminal to set values on negotiated parameters (Col. 15, lines 1-8).

29. As per claim 21, Immonen does not specifically teach the method of claim 14, further comprising: sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

Bender teaches of negotiating parameters and sending a response indicating acceptable subtype of a type (Col. 14, lines 47-61).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters and sending a response indicating acceptable subtype of a type, which would allow the access terminal to set values on negotiated parameters (Col. 15, lines 1-8).

31. As per claim 22, Immonen does not specifically teach the method of claim 16, further comprising: sending the access terminal a new token indicating a current parameter group of each parameter group type after negotiations are complete.

Bender teaches of negotiating parameters and sending a response indicating acceptable subtype of a type (Col. 14, lines 47-61).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender to negotiate parameters and sending a response indicating acceptable subtype of a type, which would allow the access terminal to set values on negotiated parameters (Col. 15, lines 1-8).

Conclusion

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 28, 2007
JJ

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800